

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHN RUSSOPOULUS, 97-A-1208,

Plaintiff,

-vs-

NOTICE OF MOTION TO
MODIFY SCHEDULING ORDER

03-CV-0249 Sc

Correction Officer CATER, Correction
Officer RYDZA, Correction Officer
LEWALSKI, Correction Officer
JOHNSON, and Sergeant JOHN DOE,

Defendants.

PLEASE TAKE NOTICE that defendants Cater, Rydza,
Lewalski, and Johnson, will move this Court at a date and time
set by the Court, before the Honorable Hugh B. Scott, at the
United States Courthouse, 68 Court Street, Buffalo, New York, for
an Order Modifying the Scheduling Order, based upon the grounds
more fully set forth in the Declaration of Michael A. Siragusa,
dated August 22, 2005, filed contemporaneously herewith.

DATED: Buffalo, New York
August 22, 2005

ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendants
By:
s/ Michael A. Siragusa
MICHAEL A. SIRAGUSA
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71 Woods Road
P.O. Box 717
Palisades, New York 10964

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Defendants.

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2005, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system.

And, I hereby certify that on August 22, 2005, I mailed the foregoing, by the United States Postal Service, to the following non-CM/ECF participant:

William A. Gerard, Esquire
71 Woods Road
P.O. Box 717
Palisades, New York 10964

Dated: August 22, 2005

ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendants
BY:
s/ Michael A. Siragusa
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